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# **Notice of Allowability**

**Application No.**

10/602,863

**Examiner**

Hargobind S. Sawhney

**Applicant(s)**

BIENICK, CRAIG

**Art Unit**

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination and amendment filed July 3, 2006.
2. ☒ The allowed claim(s) is/are 22,23,25-29,66-70,78 and 82-87.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/21/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

1. The Request for Continued Examination (RCE) and the amendment, each filed on July 3, 2006 has been entered. Accordingly:

- Claims 1-21, 24, 30-65, 71-77 and 79-81 have been canceled; and
- Claims 22, 23, 25-29, 66-70, 78 and 82-87 have been amended.

***Reason for Allowance***

2. Claims 22, 23, 25-29, 66-70, 78 and 82-87 are allowed.

The following is a statement of reasons for the indication of allowable subject matter.

The prior art of record, including Buzan (US Patent No.: 3,197,902), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an illumination device combining:

- Means formed of synthetic polymer or co-polymeric material encapsulating at least a portion of the first housing part and the panel edge portion as recited in each of the amended independent claims 25-27;
- Means axially closing another of the axially opposite end portions; and opening of the closing means providing axial accessing to the light source as recited in independent claim 83; and
- Means formed of synthetic polymer or co-polymeric material encapsulating at least one of the housing parts defining the supporting means as recited in the amended independent Claim 85.

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The above-indicated combination, including a housing having its at least one of its parts encapsulated with of synthetic polymer or co-polymeric material, makes this invention unique.

Buzan ('902) discloses an illuminating device having a housing including a first and second parts, wherein only one of the two parts of the housing includes both the slot and the supporting means. However, Buzan ('902) does not teach encapsulation of at least a portion of the first housing part with polymer or co-polymeric material. Thus, Buzan ('902) does not meet the limitations of amended independent claims 25, 26 and 27. In addition, prior art including Buzan ('902) does not teach a shelf illumination device providing axial access to the light source; and encapsulation of supporting means.

Therefore, the amended independent claims 25-27, 83 and 85.

Claims 22, 23, 28, 29, 6678, 82 and 84 are necessarily allowed because of their dependency on the allowed base Claim 25.

Claims 86 and 87 are necessarily allowed because of their dependency on the allowed base Claim 85.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

8/28/2006

  
**ALI ALAVI**  
**PRIMARY EXAMINER**